

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 KYNTREL T. JACKSON,

10 Plaintiff,

11 v.

12 SHAWNA PATZKOWSKI, et al.,

13 Defendants.  
14

CASE NO. C18-1508RSM-MLP

ORDER ADOPTING SECOND REPORT  
AND RECOMMENDATION

15 This matter is before the Court on former United States Magistrate Judge James P.  
16 Donohue's Report and Recommendation ("R&R"). Dkt. #65. Judge Donohue recommends that  
17 Plaintiff's Motion for Preliminary Injunctions/Temporary Restraining Order (Dkt. #57) be  
18 denied. Dkt. #65. The Court agrees.  
19

20 Plaintiff is a pro se prisoner asserting civil rights actions against numerous individual  
21 defendants working for the Washington State Department of Corrections. Plaintiff previously  
22 sought an injunction on the basis that his imminent return to general population was likely to  
23 result in "problems" including Plaintiff's assault. Dkt. #36. Plaintiff sought certain relief if he  
24 was assaulted within 72 hours of returning to general population. *Id.* Judge Donohue  
25 recommended denial of Plaintiff's motion as it failed to satisfy the standards for issuing a  
26

1 preliminary injunction. Dkt. #37. Plaintiff was subsequently moved to general population and  
2 filed a second motion for a preliminary injunction. Dkt. #57.

3 Plaintiff's current motion indicates that he was transferred to general population, was  
4 involved in a physical altercation within approximately a half-hour of being transferred, and has  
5 now been returned to an intensive management unit. *Id.* Plaintiff also alleges that he has been  
6 deprived of his property and will soon be returned to a general population unit. *Id.* Plaintiff  
7 therefore seeks the relief that the Court previously did not grant. *Id.* Defendants oppose Plaintiff,  
8 presenting evidence and arguing that Plaintiff in fact initiated the altercation, was not injured,  
9 and was afforded due process in his movements. Dkt. #60. Judge Donohue again recommends  
10 that Plaintiff's motion for injunctive relief be denied as he fails make the necessary showing for  
11 a preliminary injunction to issue and the Court is loath to intervene in the day-to-day management  
12 of prisons. Dkt. #65.

14 Plaintiff has objected to the R&R. Dkt. #75. Plaintiff disagrees with the evidence  
15 submitted by Defendants and disputes the factual findings that serve as the basis for Judge  
16 Donohue's R&R. *Id.* But none of Plaintiff's arguments demonstrate error or come close to  
17 providing a sufficient legal basis for injunctive relief.

19 Lastly, Plaintiff has filed his objections under seal but has provided no basis for doing so.  
20 *Id.* Plaintiff has provided the Court no guidance for its review and has failed to establish a  
21 compelling reason sufficient to overcome the strong presumption that the public is entitled to  
22 access to the Court's files. LCR 5(g) (noting "strong presumption of public access"); *Kamakana*  
23 *v. City & Cnty. Of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (compelling reason must  
24 overcome presumption of public access and justify sealing). Plaintiff's objections will therefore  
25 be unsealed.  
26

1 Accordingly, having reviewed the R&R and Plaintiff's objections and for the reasons  
2 articulated in Judge Donohue's R&R and this Order, the Court finds and ORDERS:

- 3 1. The Report and Recommendation (Dkt. #65) is ADOPTED.
- 4 2. Plaintiff's Motion for a Temporary Restraining Order/Injunction (Dkt. #57) is DENIED.
- 5 3. The Clerk shall immediately UNSEAL Plaintiff's Objections to R&R (Dkt. #75).

6 Dated this 2 day of April, 2019.

7  
8 

9 RICARDO S. MARTINEZ  
10 CHIEF UNITED STATES DISTRICT JUDGE  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26